IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7085 of 1999

HON'BLE MR.JUSTICE K.S.JHAVERI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PARUL NATWARLAL PUROHIT C/O HASMUKH P ACHARYA

Versus

HIRALAL SHAH HON SECREARY

Appearance:

MR KARIEL for TANNA ASSOCIATES for Petitioner No. 1

MR MURALI N DEVNANI for Respondent No. 1-2

MR AD OZA, GOVERNMENT PLEADER for Respondent No. 1,2,3

MS MAMTA R VYAS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 06/08/2004

ORAL JUDGEMENT

1.1 In pursuance of the order dated 23rd July 2004, Mr. Oza has placed on record the action taken against

the concerned officer.

2.1 The petitioner was given appointment as an Assistant Teacher by an order dated 23.6.1994. With regard to the appointment of the petitioner, an objection was raised by the District Education Officer, Amreli and therefore the service of the petitioner had to be terminated by an order dated 9/11-7-1984. Being aggrieved by the order of termination, the petitioner approached the Gujarat Education Tribunal by filing application No.414/1994. By an interim order passed by the Tribunal, the petitioner was continued in service. Ultimately by an order dated 10.9.1999 the said application was rejected and therefore the petitioner has challenged the validity of the said order by filing the present petition.

2.2 During the pendency of the petition, the petitioner had submitted an application for appointment to the post of Principal in a school run by Una Kelavni Mandal and the petitioner has been selected for the post of Principal. In pursuance of the same the resignation of the petitioner was accepted by the respondents on 18.2.2002.

3.1 In view of the fact that the petitioner has already resigned from the post, no fruitful purpose would be served by deciding the matter on merits especially when the petitioner has worked as a teacher all throughout. For this very reason, it would be in the interest of justice to direct that petitioner's services should be considered for all purposes and her resignation should have been accepted without any rider.

4.1 Accordingly the petition is partly allowed. The resignation of the petitioner which is already accepted will be without any rider or condition and her services shall be counted for all purposes. Rule is made absolute accordingly with no order as to costs.

[K.S. JHAVERI, J.]
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